

## REMARKS

Claims 11-20 remain pending in the above-referenced application.

Regarding the objection to and rejection of claims 19 and 20 based on the Examiner's discomfort with the word "blindness" in the claims, Applicants decline to amend the claims on account of this term being adequately described in the specification. Claim terms, no matter how unusual they may appear to be to the subjective understanding of the Examiner, are not indefinite if one of ordinary skill in the art would find them understandable in light of the specification. The context of the specification is key here, since claim terms are not to be analyzed in a vacuum, but based on what the specification says about them. Accordingly, since the term "blindness" in the technological field circumscribed by the claim is adequately explained in the specification, no amendment is necessary.

As for the prior art rejections, the Examiner argues that the cited references Etoh ('298 or '450) or Huguenin ('589) or Tyler ('352) show a multi-beam or multi-lobe radar, which comprises a sender and receiver, and in which in each case one beam is directed parallel to the roadway plane and another beam is directed at an angle in the direction of the roadway surface. The last feature, that these references each would show a system in which one beam is provided parallel to the plane of the roadway and another beam is provided at an angle in the direction of the roadway plane, is actually absent from them.

Thus Huguenin ('589) shows a vehicle radar, comprising a sender and receiver, this radar having three lobes, all three lobes, however, being directed horizontally, i.e. parallel with respect to the roadway plane. The Examiner here refers in particular to Figure 5D, in which the beams #172 and #174 are allegedly directed downward and upward, beam #173 allegedly having a horizontal direction. This claim, however, is false. Thus, Figure 5B shows the same arrangement of the exciter elements #170, it being clearly discernible here that these are horizontally oriented along the straight line #171. Figure 5D shows exactly the same device as Figure 5B, the view having been rotated by 90° in order to be able to illustrate the matter better. Accordingly, Figure 5B is a view from the front and Figure 5D is a top view from above such that beam #172 is not a radar beam directed at an angle downward, but a radar beam which covers a left region, as radar beam #174 is a right beam, which shows the right coverage region with respect to the central axis #173 using the central radar lobe. This view is also supported by the specification of '589, where Figure 5D is described in column 6, lines 28 – 41. This passage describes that for the automobile applications, the patch antennas are oriented horizontally and that a vertical arrangement of these exciter elements is provided merely for applications in airplanes. Likewise the documents by Etoh ('298 or '450) show that for radar applications in automobiles three antenna elements are

provided, which are arranged in a horizontal direction. Thus, Figure 2 of the two documents shows three lobes #61, #63 and #65, which cover a central region, a left region as well as a right region. For this reason, the reference signs L, C and R were used for the individual lobes such that none of these lobes are directed at an angle onto the roadway surface since Figure 2 shows a top view from above onto the device of the invention. Figure 4 of '450 and Figure 5 of '298 also show top views onto a vehicle driving on a road, the three lobes being arranged horizontally side by side in such a way that a left, a central and a right roadway region are covered. The specifications of these two documents show no indication that one lobe can be directed parallel to the roadway surface and another lobe can be directed at an angle onto the roadway surface, but rather describe, according to column 9, lines 51 – 61 of '298, that a left beam, a central beam and a right beam are provided, which are evaluated as a function of the steering angle.

The patent document by Tyler ('352) also shows three lobes of an automobile radar, which, however, according to Figure 2, are all directed at the same elevation angle at an angle onto the roadway surface. According to Figure 2, however, no radar lobe is discernible which is directed parallel to the roadway surface so as to detect preceding vehicles. Figure 3 in turn represents a top view from above onto the device of the invention, as it is also represented in Figure 2 from the side, the lobe #3 covering a central region on the roadway surface, lobe #4 covering an adjacent region on the roadway surface to the right and the lobe #5 covering a left region on the roadway surface. As can be seen more clearly from Figure 2, however, all three beams have the same elevation angle such that only the roadway surface is covered by all three lobes #3, #4 and #5. The specification in column 3, lines 5 – 33 also describes that all sending and receiving elements are directed at an angle onto the roadway surface and that none of these elements are developed parallel with respect to the roadway surface for detecting preceding vehicles.

It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,  
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